

# **Exhibit 15**

1 UNITED STATES DISTRICT COURT

2 WESTERN DISTRICT OF NEW YORK

3 -----  
4 **BLACK LOVE RESISTS IN THE RUST, et al.,**  
5 **individually and on behalf of a class of**  
6 **all others similarly situated,**

7 Plaintiffs,

8 -vs-

1:18-cv-00719-CCR

9 **CITY OF BUFFALO, N.Y., et al.,**

10 Defendants.  
11 -----

12 **EXAMINATION BEFORE TRIAL OF JARED DOMARACKI**

13 **APPEARING REMOTELY FROM**

14 **BUFFALO, NEW YORK**

15  
16  
17 July 18, 2023

18 At 9:30 a.m.

19 Pursuant to notice  
20

21 REPORTED BY:

22 Rebecca L. DiBello, RPR, CSR(NY)

23 APPEARING REMOTELY FROM ERIE COUNTY, NEW YORK

**DEPAOLO CROSBY REPORTING SERVICES, INC.**

135 Delaware Avenue, Suite 301, Buffalo, New York 14202  
716-853-5544

**R E M O T E   A P P E A R A N C E S**

APPEARING FOR THE PLAINTIFFS:

**WESTERN NEW YORK LAW CENTER**  
**BY: KEISHA WILLIAMS, ESQ.,**  
Cathedral Park Tower  
37 Franklin Street, Suite 210  
Buffalo, New York 14202  
(716) 828-8415

APPEARING FOR THE DEFENDANTS:

**HODGSON RUSS LLP**  
**BY: PETER SAHASRABUDHE, ESQ.**  
140 Pearl Street  
Buffalo, New York 14202  
(716) 848-1508

ALSO PRESENT: **KARINA TEFFT, ESQ.**

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1 don't remember receiving any additional  
2 training on how to operate checkpoints?

3 A. Excuse me. After the police academy, not to  
4 my recollection.

5 Q. Based on your experience were checkpoints used  
6 to enforce vehicle and traffic laws?

7 A. The safety checkpoints were to ensure there  
8 was no expired inspections, registrations,  
9 things of that nature.

10 Q. Were the housing -- were the checkpoints ever  
11 used to suppress criminal activity?

12 MR. SAHASRABUDHE: Objection to form.

13 A. All I was known or told that these were  
14 vehicle safety checkpoints. As for any other  
15 reasons, that is beyond my scope.

16 Q. Were you advised to check vehicles for weapons  
17 or drugs or any sort of gang activity?

18 MR. SAHASRABUDHE: Objection to form.

19 A. They were vehicle safety checkpoints and I was  
20 looking for infractions with the Vehicle and  
21 Traffic Law, whether it was expired  
22 registration, expired inspection, broken  
23 headlights, things of those nature.

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1           there anything you would say to the motorists  
2           or driver?

3                   MR. SAHASRABUDHE: Objection to form.

4           A. I would say how's it going? How was your day?  
5           Safety checkpoint making sure everything is  
6           all good and then send them on their way if  
7           there was no infraction. I mean, if there was  
8           -- it was just a safety checkpoint.

9           Q. Did every patrol vehicle -- was every vehicle  
10          equipped with a license plate reader?

11          A. No, not every single vehicle that the Buffalo  
12          Police Department had had a plate reader.

13          Q. Can you estimate how long that initial visual  
14          inspection would last?

15                   MR. SAHASRABUDHE: Objection to form.

16          A. I didn't have a stopwatch on me clicking every  
17          time. Average at least with me, I don't know,  
18          10 seconds, 15 seconds. It was just doing a  
19          visual inspection. Hey, how's it going, where  
20          are you off to? Sounds good. On your way.

21          Q. When you would pull a motorist over or any  
22          officer would pull a motorist over for that  
23          secondary stop, do you know how long that

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1 secondary -- well, can you I guess sort of  
2 estimate how long that secondary stop would  
3 last?

4 MR. SAHASRABUDHE: Objection to form.

5 A. Each stop is different. There's no universal  
6 time. It all depends on that individual. If  
7 they have a license. If they don't have a  
8 license, then that takes more time gathering  
9 their information, writing it down, so like  
10 again, each stop is -- can vary.

11 Q. Okay. Did officers have discretion in  
12 determining which cars they would pull over  
13 for the secondary stop?

14 MR. SAHASRABUDHE: Objection to form.

15 A. We had the discretion as to how we wanted to  
16 handle that. Discretion was used a lot of  
17 times.

18 Q. Was it your experience that officers were  
19 advised to use less discretion at safety  
20 checkpoints?

21 MR. SAHASRABUDHE: Objection to form.

22 A. I used my discretion at the safety checkpoints  
23 and even if I pulled a car over on the street.

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1 act which is violating the tinted windows law,  
2 correct?

3 MR. SAHASRABUDHE: Objection to form.

4 A. Yeah. It states that it's a violation of the  
5 Vehicle and Traffic Law for tinted windows.

6 Q. Are you required to issue multiple tickets for  
7 the same offense?

8 A. What do you mean required to?

9 Q. Does the BPD require that you issue multiple  
10 tickets for the same offense?

11 A. The vehicle and traffic laws can state that if  
12 each individual is tinted each window can  
13 receive a ticket. The BPD has never told me  
14 or had a requirement to do such.

15 Q. And just to confirm, in 2015 when you issued  
16 Mr. Palmer these tickets you had a tint meter,  
17 correct?

18 A. By the 41 percent on there that would indicate  
19 to me that I used my tint meter to get that  
20 percentage.

21 Q. Did you always use a tint meter when you  
22 issued tinted windows tickets?

23 MR. SAHASRABUDHE: Objection to form.

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1 A. Every single tinted window ticket that I  
2 issued, no. Not every single one I used a  
3 tint meter, but any form of tint that you put  
4 on aftermarket automatically makes the window  
5 illegal according to the New York State  
6 Vehicle and Traffic Law.

7 Q. Do you remember when that law -- do you  
8 remember when that law was passed?

9 A. I do not know when that law was passed.

10 Q. Were officers allowed to use their own  
11 discretion when issuing tickets?

12 A. Officers had their own discretion to use on  
13 when to issue tickets or not.

14 Q. And in the situation you could have issued one  
15 ticket or two tickets, correct?

16 A. Let me look at the ticket itself for a second  
17 to see what type of vehicle it was.

18 Q. Chevy.

19 A. That's the make. I was looking for the actual  
20 vehicle type. If it was a four door vehicle  
21 and all four windows were tinted I could have  
22 issued one ticket per window. Now, if it was  
23 an SUV or a pickup truck only the front driver

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1 A. I can't recall.

2 Q. In the complaint Mr. Palmer states that he has  
3 some issues with his eyes. Could you have  
4 inquired whether or not he had a medical  
5 condition that had required the tinted  
6 windows?

7 A. If he had a medical requirement that required  
8 the tinted windows he didn't have the proper  
9 documentation stating such. Yes, you can have  
10 tinted windows based on a medical condition  
11 where there's a process that you have to go  
12 through with your doctor and go through the  
13 DMV and DMV gives you a sticker that they  
14 place or that you place on your vehicle  
15 stating that, which he did not have, so if he  
16 stated that there was a medical condition he  
17 didn't go through the proper channels or the  
18 proper process to do such.

19 Q. Do you remember -- based on the facts in the  
20 complaint, why did you pull over Mr. Palmer?

21 A. Based on --

22 MR. SAHASRABUDHE: Objection to form.

23 A. Sorry. Based on the complaint, I saw tinted

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1 windows which is an infraction with the  
2 Vehicle and Traffic Law and issued a traffic  
3 stop in accordance.

4 Q. So it is an -- in 2015 we don't know if the  
5 law was changed yet, but would you have been  
6 able to say if the window was illegally tinted  
7 when he was driving by? And I'm assuming you  
8 were in your patrol vehicle?

9 A. Well, that's how I would activate a car stop  
10 is I would have to be in a marked patrol unit.

11 Q. And you would observe that the tint was  
12 illegal?

13 A. The tints were not legal.

14 Q. Yes. But based on the ticket you said that it  
15 was 41 percent, so you used a tint meter. You  
16 couldn't have used a tint meter if you  
17 observed him driving by.

18 A. No. I did not use a tint meter as he drove  
19 by. The vehicle was already stopped. I  
20 issued my traffic stop after the vehicle was  
21 not in motion is when I used the tint meter  
22 which confirmed --

23 Q. Your observation?

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1 STATE OF NEW YORK)

2 COUNTY OF ERIE )

3  
4 I, Rebecca Lynne DiBello, CSR, RPR, Notary  
5 Public, in and for the County of Erie, State of  
6 New York, do hereby certify:

7 That the witness whose testimony appears  
8 hereinbefore was, before the commencement of  
9 their testimony, duly sworn to testify the  
10 truth, the whole truth and nothing but the  
11 truth; that said testimony was taken pursuant  
12 to notice at the time and place as herein set  
forth; that said testimony was taken down by me  
and thereafter transcribed into typewriting,  
and I hereby certify the foregoing testimony is  
a full, true and correct transcription of my  
shorthand notes so taken.

13 I further certify that I am neither counsel  
14 for nor related to any party to said action,  
15 nor in anyway interested in the outcome  
thereof.

16 IN WITNESS WHEREOF, I have hereunto  
17 subscribed my name and affixed my seal this  
18 2nd day of August, 2023.

19   
20 \_\_\_\_\_

21 Rebecca Lynne DiBello, CSR, RPR  
22 Notary Public - State of New York  
23 No. 01D14897420  
Qualified in Erie County  
My commission expires 5/11/2027

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